

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**September 23, 2008**

**DIVISION ONE**

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Weisberg, J. (Assigned), Hastings, J. (Assigned)  
and S. Stahl, deputy clerk.

Each of the following:

B197178 People v. Rivera  
B198153 Boladian v. Lopez et al.  
B198356 People v. T.M.  
B198672 People v. Beard  
B201274 People v. Gonzalez  
B201321 People v. Van Batenburg  
B202024 People v. S.B.  
B202277 People v. Jones  
B203203 People v. Charleston  
B203355 People v. Miller  
B203598 People v. Williams  
B205159 DCFS v. A.S.  
B204473 DCFS v. D.R.  
B205381 DCFS v. D.K.  
B205527 People v. Gordon  
B205669 People v. Billingsley  
B206231 DCFS v. R.C.  
B206610 People v. Mendoza

Argument waived, cause submitted.

DIVISION ONE (continued)

B202413      In re Marriage of Perez

Merits:

Argued by Douglas A. Owenby for appellant and no appearance for respondent. Cause submitted.

B204131      People  
                  v.  
                  Willie

Merits:

Argued by Donald R. Tickle for appellant and by Viet Nguyen, deputy attorney general, for respondent. Cause submitted.

B199569      People  
                  v.  
                  Morquecho

Merits:

Argued by Lynda A. Romero for appellant and by Alene M. Games, deputy attorney general, for respondent. Cause submitted.

B203496      Hofferth  
                  v.  
                  Leonardo

Merits:

Argued by Steven J. Revitz for respondent and no appearance for appellant. Cause submitted.

DIVISION ONE (continued)

B200881      Kennedy  
                 v.  
                 Schwan's Home Service, Inc.

Merits:  
Argued by Michael S. Geller for appellant and by Barry Kaiman for respondent. Cause submitted.

B203095      Liggins  
                 v.  
                 Tabalon et al.

Merits:  
Argued by Claude A. Liggins, appellant in pro per, and by Gerald K. Kitano for respondents. Cause submitted.

B191514      Alcala et al.  
                 v.  
                 Vazmar Corporation

Merits:  
Argued by Rafi Ourfalian for appellants and by John M. Kosimov for respondent. Cause submitted.

B194836      People  
                 v.  
                 Martinez & Martinez

Merits:  
Argued by Donald R. Tickle for appellant Jesse Martinez and by Robert E. Boyce for appellant Richardo Martinez and by Steven D. Mercer, deputy attorney general, for respondent. Cause submitted.

DIVISION ONE (continued)

B197513     Kettenring  
              v.  
              Los Angeles Unified School District

Merits:  
Argued by Gregory N. Karasik for appellant and by Barrett K. Green for  
respondent. Cause submitted.

Court adjourned.

DIVISION TWO

B201766     Blackburn                             (Not for Publication)  
              v.  
              Newton

The restraining order is affirmed. Respondent is entitled to his costs on  
appeal.

Doi Todd, J.

We concur:   Boren, P.J.  
                  Chavez, J.

B199725     Connie Diana Rosales             (Not for Publication)  
              v.  
              Keenan & Associates

The order granting the anti-SLAPP motion is affirmed. Respondent is  
entitled to costs on appeal.

Doi Todd, J.

We concur:   Boren, P.J.  
                  Ashmann-Gerst, J.

DIVISION TWO (continued)

B205882      Cardiff Equities, Inc.                      (Certified for Publication)

v.

Superior Court, Los Angeles County  
(Robert W. O'Neel III et al., r.p.i.)

The order to show cause is discharged and the petition for writ of mandate is granted. Petitioner is awarded costs on appeal.

Chavez, J.

I concur:      Doi Todd, Acting P.J.

I dissent:      Ashmann-Gerst, J. (Opinion)

B205434      People    (Not for Publication)

v.

Franklin

The judgment is affirmed.

Doi Todd, J.

We concur:      Boren, P.J.

Chavez, J.

B203294      People    (Not for Publication)

v.

A.P.

The orders under review are affirmed.

Doi Todd, Acting P.J.

We concur:      Ashmann-Gertst, J.

Chavez, J.

DIVISION FOUR

[illegible]

The judgment is affirmed. The matter is remanded to correct an error in the abstract of judgment. Upon remand, the trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation an amended abstract of judgment reflecting that the subdivision of section 186.22 applicable here is section "186.22(b)(5)."

Manella, J.

We concur: Epstein, P.J.  
Suzukawa, J.

[illegible]

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.  
Suzukawa, J.

B204188      Los Angeles County, D.C F.S.      (Not for Publication)  
v.  
Owen B.

The orders of the juvenile court are affirmed.

Manella, J.

We concur: Epstein, P.J.  
Suzukawa, J.

DIVISION FOUR (continued)

B201445      De Vogelaere                      (Not for Publication)  
                 v.  
                 Corlyn et al.

The judgment is affirmed. Corlyn is to recover his costs.

Manella, J.

We concur: Epstein, P.J.  
                 Suzukawa, J.

B195659      Wurtzel                                      (Not for Publication)  
                 v.  
                 Rodin et al.

The judgment in favor of plaintiff is reversed. The orders awarding plaintiff attorney fees and costs are vacated. The orders denying defendants' motions for nonsuit and judgment notwithstanding the verdict are vacated. The matter is remanded to the trial court with instructions to enter judgment for defendants. Defendants are awarded their costs on appeal.

Suzukawa, J.

We concur: Epstein, P.J.  
                 Willhite, J.

September 23, 2008 (Continued)

## DIVISION FOUR (continued)

[illegible]

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.  
Willhite, J.

B199630      People                          (Not for Publication)  
v.  
Hammond

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The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.  
Manella, J.

B198464 Jones  
v.  
P.S. Development Co., Inc., et al.

Filed order denying petition for rehearing.



DIVISION FIVE

B205254      In re L.S.  
Los Angeles County, D.C F.S.      (Not for Publication)  
v.  
J.G.

The judgment is affirmed.

Mosk, J. (with concurring opinion)

We concur:    Turner, P.J.(with concurring opinion)  
Armstrong, J.

B197234      Chinese Yellow Pages  
v.  
Chinese Overseas Marketing

Filed order vacating submission order of June 11. The issues in this case are complex and, in material part, of first impression. Cause submitted.

DIVISION SIX

B195236      Kretek International, Inc.  
v.  
Fauni

The Court:

Pursuant to the parties the appeal is dismissed.

## DIVISION SEVEN

B203197 People v. Farley (Not for Publication)

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The judgment of conviction is reversed. On remand the trial court is directed to vacate its order denying Farley's motion to suppress evidence and to enter a new order granting the motion. The trial court is further directed to permit Farley to withdraw his plea of no contest within 30 days after issuance of remittitur. If Farley does not move to withdraw his plea within that time, the judgment of conviction shall be reinstated.

Perluss, P.J.

I concur: Zelon, J.  
I dissent: Woods, J. (Opinion)

B189042 People (Not for Publication)  
v.  
Thompson

The restitution and parole revocation fines are reduced from \$80,000 to \$10,000 and the abstract of judgment is ordered corrected to so reflect. Otherwise, the judgment is affirmed in all other respects.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

B196816      Leontaritis      (Not for Publication)  
v.  
Koursaris et al.

The judgment and orders are affirmed. Plaintiff is awarded her costs on appeal.

Jackson, J.

We concur: Perluss, P.J.

September 23, 2008 (Continued)

Woods, J.

DIVISION SEVEN (continued)

B196747      People                      (Not for Publication)  
                 v.  
                 D.S.,

The January 30, 2007 minute order is corrected to provide D.S. with 22 days of predisposition custody credit, and probation condition 21 is modified to read: "Do not use or possess narcotics, controlled substances, poisons, or related paraphernalia; stay away from places where you know drug users congregate." As so amended, the order under review is affirmed.

Zelon, J.

We concur:    Perluss, P.J.  
                 Woods, J.

DIVISION EIGHT

B195597      People                      (Not for Publication)  
                 v.  
                 Arreola et al.

For the reasons set forth above, we modify the judgment as follows: (1) to stay appellants' 5-year sentences for kidnapping; and (2) to strike the 10-year, section 186.22 street gang enhancement on the attempted murder life sentence and replace it instead with the minimum 15-year parole eligibility period required by section 186.22, subdivision (b)(5). The clerk of the superior court is directed to modify the abstract of judgment to reflect these changes and then send a corrected copy of the abstract to the Department of Corrections. In all other respects the judgment, including the life sentences and the remaining consecutive prison terms and sentence enhancements, is affirmed.

Rubin, J.

We concur:    Cooper, P.J.  
                 Flier, J.

September 23, 2008 (Continued)

## DIVISION EIGHT (continued)

B198106 People (Not for Publication)  
v.  
Millender

The judgment of conviction of assault upon a custodial officer in violation of section 245.3 on counts 6, 7, and 8 is reversed, and the matter is remanded for the trial court to select which lesser offense to impose and for full sentencing; in all other respects, the judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.

B196615      Hile      (Not for Publication)  
v.  
Clippinger Chevrolet

The order denying attorney fees is reversed. The matter is remanded for determination and award to plaintiff of reasonable attorney fees for the litigation, including this appeal. Plaintiff shall recover costs.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.

B203642 People (Not for Publication)  
v.  
Hall

The judgment is affirmed.

Cooper, P.J.

We concur: Flier, J.  
Bigelow, J.

DIVISION EIGHT (continued)

B204932      In re A.L., a Person Coming Under the Juvenile Court Law  
Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Terence L.

The juvenile dependency court's order terminating Terence's parental rights are vacated, and the matter is remanded to the court with directions to assure compliance with the ICWA's notice provisions. If, after proof of proper notice under the ICWA is received by the court, a tribe claims that Aniya is an Indian child, then the court shall proceed in conformity with all provisions of ICWA. If no tribe claims Aniya, then the court's orders terminating Terence's parental rights shall be reinstated.

Bigelow, J.

We concur:    Cooper, P.J.  
                  Rubin, J.

B199554      People      (Not for Publication)  
v.  
Teresa Vilet Arasheben

The judgment is modified to reflect a total of 1,021 days of presentence credit. In all other respects the judgment is affirmed. The court shall amend the abstract of judgment to reflect the modified presentence credit, and to conform to defendant's plea under count 2, which was a charge under section 484f, subdivision (b), and shall forward copies to the Department of Corrections.

Bigelow, J.

We concur:    Rubin, Acting P.J.  
                  Flier, J.

## DIVISION EIGHT (continued)

B205258      In re F.M., a Person coming Under the Juvenile Court Law.  
Los Angeles County, D.C F.S.      (Not for Publication)  
v.  
P.M.

The jurisdictional order declaring F.M. a dependent of the court is affirmed.

Bigelow, J.

We concur: Cooper, P.J.  
Flier, J.

B206179      People                                  (Not for Publication)  
v.  
Paris Elgin Shanklin

The judgment is affirmed.

Bigelow, J.

We concur: Cooper, P.J.  
Flier, J.